

**SURROGATE'S COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

In the Matter of the Petition of Dalia Genger, as
Trustee of the Orly Genger 1993 Trust, Created by
Trust Agreement Dated December 13, 1993 between
ARIE GENDER, as Grantor, and LAWRENCE M.
SMALL and SASH A. SPENCER, as Trustees, to
Turnover Property to the Orly Genger 1993 Trust.

File No.: 2008-0017/E

Surrogate Nora S. Anderson

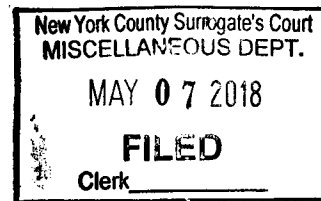
Dalia Genger, Trustee of the Orly Genger 1993 Trust,

Petitioner

-against-

Orly Genger, et al.,

Respondents.



NOTICE OF MOTION TO DISMISS AMENDED PETITION

PLEASE TAKE NOTICE, that upon the Affirmation of Michael Paul Bowen, dated May 7, 2018, and all exhibits attached thereto, the accompanying Memorandum of Law, dated May 7, 2018, and all prior pleadings and proceedings heretofore had herein, petitioner Orly Genger will move this Court, at 31 Chambers Street, New York, New York 10007, Room 509, on June 1, 2018 at 10:00 a.m., or as soon thereafter as counsel can be heard, for an Order pursuant to SCPA Section 102 and CPLR Sections 3211(a)(4), (5), (7) and (8) dismissing Dalia Genger's Amended Petition.

PLEASE TAKE FURTHER NOTICE that, pursuant to CPLR 2214(b), answering affidavits shall be served at least seven days before the return date of this motion.

Dated: New York, New York
May 7, 2018

KASOWITZ BENSON TORRES LLP

By: 

Michael Paul Bowen
Andrew R. Kurland
1633 Broadway
New York, New York 10019
(212) 506-1700

Attorneys for Respondent Orly Genger

To:

Judith Bachman, Esq.
254 S. Main Street
Suite 306
New City, NY 10956
Counsel to Petitioner Dalia Genger

SURROGATE'S COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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Surrogate Nora S. Anderson

Dalia Genger, Trustee of the Orly Genger 1993 Trust,

Petitioner,

-against-

Orly Genger, et al.,

Respondents.

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)

) ss.:

COUNTY OF NEW YORK)

JONATHAN GONZALES, being duly sworn, deposes and says:

I am over 18 years of age, and am not a party to this action, and work at the law firm Kasowitz Benson Torres LLP, counsel for respondent Orly Genger. On May 7, 2018, I served by email and First Class Mail a true and correct copy of Respondent Orly Genger's Notice of Motion to Dismiss the Amended Petition of Dalia Genger, along with the Memorandum of Law dated May 7, 2018 and the Affirmation of Michael Paul Bowen, dated May 7, 2018, with exhibits, on counsel for Petitioner Dalia Genger at the following address:

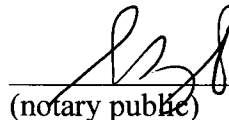
Judith Bachman, Esq.
judith@thebachmanlawfirm.com
254 S. Main Street
Suite 306
New City, NY 10956

Dated: New York, New York
May 7, 2018



Jonathan Gonzales

Sworn to me on this 7 day of May, 2018



(notary public)

SAUDI GONZALEZ-CRAWFORD
Notary Public, State of New York
No. 01GO6115825
Qualified in Kings County
Commission Expires September 13, 2020

Index No. 0017/E Year 20 08
SURROGATE’S COURT OF THE STATE OF NEW
YORK COUNTY OF NEW YORK

In the Matter of the Petition of Dalia Genger, as Trustee of the Orly Genger 1993 Trust, Created by Trust Agreement Dated December 13, 1993 between ARIE GENGGER, as Grantor, and LAWRENCE M. SMALL and SASH A. SPENCER, as Trustees, to Turnover Property to the Orly Genger 1993 Trust.

Dalia Genger, Trustee of the Orly Genger 1993 Trust,

Petitioner,

-against-

Orly Genger, et al.,

Respondents.

NOTICE OF MOTION TO DISMISS, AFFIRMATION OF MICHAEL P. BOWEN
AND EXHIBITS, AFFIRMATION OF SERVICE

Attorney(s) for
Respondent Office Address & Tel. No.:

Pursuant to 22 NYCRR 130-1.1-a, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, (1) the contentions contained in the annexed document are not frivolous and that (2) if the annexed document is an initiating pleading, (i) the matter was not obtained through illegal conduct, or that if it was, the attorney or other persons responsible for the illegal conduct are not participating in the matter or sharing in any fee earned therefrom and that (ii) if the matter involves potential claims for personal injury or wrongful death, the matter was not obtained in violation of 22 NYCRR.1200.41-a.

Dated: May 7, 2018 Signature
Print Signer's Name Michael P. Bowen

Service of a copy of the within is hereby admitted.
Dated:

Attorney(s) for Petitioner

PLEASE TAKE NOTICE

Check Applicable Box

☐ NOTICE OF ENTRY that the within is a (certified) true copy of a entered in the office of the clerk of the within-named Court on 20

☐ NOTICE OF SETTLEMENT that an Order of which the within is a true copy will be presented for settlement to the Hon. , one of the judges of the within-named Court, at on 20 , at M.

Dated:

Attorney(s) for

To: Office Address & Tel. No.:

Attorney(s) for